

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Larry E. Smith as trustee for
the Heirs and Next of Kin of
David Cornelius Smith

Plaintiff,

Case No. 11-cv-03071 (SRN/JJK)

vs.

Timothy Gorman and Timothy Callahan,
acting in their individual capacities
as Minneapolis police officers, and
The City of Minneapolis,

Defendants.

**DEFENDANTS' ANSWERS
TO PLAINTIFF'S FIRST SET
OF REQUESTS FOR
ADMISSION**

1. Admit that the immediate cause of David Smith's ("Smith") death was anoxic encephalopathy.

ANSWER: Admit.

2. Admit that Smith suffered a cardiopulmonary arrest on September 9, 2010.

ANSWER: Admit.

3. Admit that Smith's anoxic encephalopathy was due to or as a consequence of the cardiopulmonary arrest Smith suffered on September 9, 2010.

ANSWER: Admit that the Hennepin County Medical Examiner found that Smith's anoxic encephalopathy was due to or as a consequence of the cardiopulmonary arrest Smith suffered on September 9, 2010.

EXHIBIT

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4. Admit that the cardiopulmonary arrest Smith suffered on September 9, 2010, occurred while Smith was being taken into custody by Minneapolis Police Officers Callahan and Gorman.

ANSWER: Admit that Smith suffered a cardiopulmonary arrest on September 9, 2010; Defendants can neither truthfully admit nor deny the remainder of this Request for Admission as no exact time is known for Smith's cardiopulmonary arrest, so Defendants cannot truthfully admit or deny it occurred while Smith was "being taken into custody by Minneapolis Police Officers Callahan and Gorman."

5. Admit that the cardiopulmonary arrest Smith suffered on September 9, 2010, was due to or as a consequence of mechanical asphyxia.

ANSWER: Admit.

6. Admit that the mechanical asphyxiation of Smith on September 9, 2010, was caused, in whole or in part, by pressure or force exerted on Smith's body by Defendant Callahan.

ANSWER: Deny.

7. Admit that the mechanical asphyxiation of Smith on September 9, 2010, was caused, in whole or in part, by pressure or force exerted on Smith's body by Defendant Gorman.

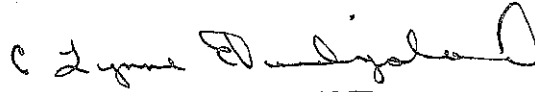
ANSWER: Deny.

Dated: 1-17-12

SUSAN L. SEGAL

City Attorney

By



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